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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,049	02/16/2001	Janine Morgens Strang	7253/VB	2701

27752 7590 06/01/2007  
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EXAMINER
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BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/763,049

Applicant(s)

STRANG ET AL.

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-33 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to applicants' request for continued examination received April 6, 2007. Claims 16-33 are currently pending with claims 16 and 17 being withdrawn.

#### ***Response to Amendment***

1. The amendment filed April 6, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "with the proviso that the sheet does not include 1,2-octanediol." While the specification provides basis for the inclusion of octanediol, it does not provide basis for its exclusion.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24-28, 30, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 24-28 lack antecedent basis in claim 18 from which they depend. The claims should be amended to read "further comprising". Claims 30 and 31 contain ratios which result in weight percentages which

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are broader than those set forth in claim 18. The smallest weight ratio allowed in claim 14 is 4:1.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, US 5,746,776 in view of Siklosi et al, US 5,547,476.

Smith et al teach a dry cleaning kit for in-dryer use comprising a containment bag containing an interior surface which is impregnated with an effective amount of a dry cleaning composition (see abstract). The bag may have multiple layers, the outermost being a vapor impermeable barrier and the inner layers having the dry cleaning composition absorbed thereto (col. 10, claim 1). The dry cleaning compositions comprise as much as 95% water, as much as 32% organic solvent, and as little as 1% nonionic surfactant (col. 10, claims 1-3). Suitable organic solvents of the invention include C2-C4 diols, ethylene glycol (col. 5, lines 51-60), and glycol ethers (col. 10, claim 2). It would have been obvious to one of ordinary skill in the art to use a diol or ethylene glycol as the organic solvent in the dry cleaning compositions of Smith et al as such solvents are taught as suitable in their compositions.

Smith et al do not specifically teach properties such as substrate surface area and amount of composition absorbed on the substrate. Siklosi et al teach a dryer sheet impregnated with solvents and water for use in a containment bag dry cleaning process (see abstract). The dryer sheet contains an absorbent core enveloped within a lint resistant fabric (col. 6, lines 15-20). The dryer sheet has a surface area of 625 square centimeters and is impregnated with 23 grams of a solvent/water/surfactant composition (col. 7, lines 55-65). Note that the dryer sheets may be composed of hydroentangled fabric (col. 9, lines 20-21), and suitable solvents of the invention include butoxy propoxy propanol (col. 12, claim 13). Based on the teachings of Siklosi et al, it would have been obvious to one of ordinary skill in the art to use a dryer sheet with the dimensions and amount of composition taught by Siklosi et al in the dry cleaning process of Smith et al.

Applicants have traversed this rejection on the grounds that there is no motivation to choose ethylene glycol or a diol from the disclosure of the reference. The examiner disagrees and maintains that as these solvents are taught as useful by the reference, it would have been obvious to one of ordinary skill in the art to formulate a composition containing these solvents with a reasonable expectation of successfully obtaining a dryer added composition.

Applicants further traverse on the grounds that the amount of added cleaning composition is not taught by the reference. First, as stated by the examiner in previous office actions, the examiner considers the selection of the amount of composition added to the substrate to be well within the sphere of confidence of one of ordinary skill in the art and cannot be the basis for patentability. In any event, recall that Siklosi et al teach

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a dryer sheet impregnated with 23 grams of a solvent/water/surfactant composition, thus providing ample teaching to one of ordinary skill. Applicants further state that neither of the references teach (i) "from about 10 grams to about 30 grams of a liquid cleaning/refreshment composition comprising at least about 80% by weight, of water releasably absorbed in the substrate" or (ii) "from about 2 grams to about 20 grams of a fabric shrinkage reducing composition comprising a fabric shrinkage reducing agent. The examiner again maintains that the combination of references provides ample teaching to use the proportions presently claimed with a reasonable expectation of successfully obtaining an effective dryer added composition.


With respect to present claim 32, the new matter rejection aside, while it is true that Siklosi et al teach octanediol, recall that Siklosi et al are relied upon only to demonstrate that dryer sheets having a surface area and amount of composition added within the presently claimed range are well known in the art.

With respect to claim 33, as the sheet claimed is rendered obvious by the references above, its ultimate intended use in a containment bag is not a claim limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charles I Boyer  
Primary Examiner  
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